

DIRECTIVE

JOB TRAINING PARTNERSHIP ACT

Number: D98-12

Date: February 1, 1999
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TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: 90-DAY PERIOD OF INACTIVE STATUS UNDER JTPA

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to transmit additional Department of Labor (DOL) guidance received by the State regarding the revised DOL policy and Standardized Program Information Report (SPIR) changes contained in Training and Employment Information Notice (TEIN) 5-93, Change 2.

Scope:

The 90-day period of inactive status applies to programs under Titles II-A, II-C, and III. The "holding status" is no longer needed or applicable. The DOL considers "multiple periods of inactivity" less stringent than the holding status.

Effective Date:

This directive is effective on the date of issuance.

REFERENCES:

- DOL TEIN 5-93, Change 2

STATE-IMPOSED REQUIREMENTS:

This directive contains state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive supersedes Directive D96-19, dated March 31, 1997, and finalizes draft directive DD-7, issued for comment on November 4, 1998. Retain this directive until further notice.

BACKGROUND:

As stated in TEIN 5-93, Change 2, the Job Training Partnership Act (JTPA) policy requires the termination of participants within a reasonable time after they stop receiving training or services in order to preclude Service Delivery Areas/Substate Areas (SDA/SSA) from retaining indefinitely participants who are unsuccessful. Without such policy, performance standards create strong incentives for programs to avoid terminating failures even when such individuals no longer have any contact with the program.

Until the publication of TEIN 5-93, Change 2, requirements regarding the allowable time periods after last receipt of services differed for Titles II-A/C and Title III. For Title II-A/C, only one 90-day period was permitted, which started after the completion of planned employment and training. Any non-training JTPA services received after the last receipt of training were included within the 90-day period. In addition, participants who received only services and no training as part of their JTPA participation were required to be terminated no later than 30 days after the last receipt of services. For Title III, the 90-day period starts after the completion of all planned employment, training, or services.

Prior to writing this directive, the Job Training Partnership Division requested clarification from DOL about the holding status and consideration for customers with special personal needs. The DOL replied that there were no exceptions to its instructions and that previous provisions for a holding status no longer applied even for health reasons or to care for an elderly parent (examples that JTPD used in its request).

POLICY AND PROCEDURES:

For Titles II-A/C and III, the revised DOL policy and guidance allows multiple periods of inactivity between "substantial" client services as long as no one period of inactivity is longer than 90 days. The DOL recently informed the State that, with the multiple periods of inactivity, the holding status is unnecessary. Should a period of inactivity exceed 90 days, the participant must be terminated prior to the 91st calendar day after the last receipt of JTPA authorized employment, training, or services. The DOL will not waive the required termination of JTPA participants after the 90th day of inactivity.

For Titles II-A/C, substantial services are defined as those authorized in Section 204(b) for adults and **264(c) for youth**. For Title III, substantial services are defined as those authorized in Sections 314(c), (d), and (h). For all programs, frequent is defined as occurring at least every 90 days.

The SDAs and their service providers shall ensure that the flexibility allowed by the revised SPIR instructions is authorized by the participant's Individual Service Strategy (ISS) or Individual Readjustment Plan (IRP).

The 90-day clock is not affected by the funding source of the JTPA-authorized services, i.e., if the services are part of the ISS/IRP and are being provided by a non-JTPA funded source, the clock starts after the conclusion of the non-JTPA funded services.

TRANSITION:

On the day this directive is issued, any participant in holding status to accommodate a compelling short-term participant need such as illness or family emergency may remain in holding status until the participant is able to resume participation. Appropriate documentation and a planned date for the participant to return to active status must be provided in the ISS/IRP. The SDAs are responsible for ensuring that these participants are returned to active status within a reasonable amount of time and are not indefinitely retained without having contact with the program. If there is no documentation to support the participant's return to active status by a certain date, the participant must be terminated. Whenever practicable, participants in holding status should be returned to active status on the day this directive is issued unless there are compelling reasons for retaining the person in holding status. Nevertheless, all participants must be returned to active status within 90 days after this directive is issued. Monitors will review these cases to determine whether or not these instructions are being followed.

On the day this directive is issued, no other participants may be placed in holding status for any reason.

ACTION:

Bring this directive to the attention of all appropriate staff and service providers.

INQUIRIES:

If you have any questions about the information contained in this directive, please contact your program manager, or Georganne Pintar, Manager of the Policy Unit at (916) 654-7611.

/S/ BILL BURKE
Assistant Deputy Director

Attachment available on Internet:

[DOL TEIN 5-93, Change 2](#)